



06 JUN 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Patrick J. O'Connell
Popovich & Wiles, P.A.
IDS Center, Suite 1902
80 South 8th Street
Minneapolis, MN 55402

In re Application of :
BJORCK, et al. :
Application No.: 09/869,677 : DECISION
PCT No.: PCT/GB99/04445 :
Int. Filing Date: 30 December 1999 :
Priority Date: 31 December 1998 :
Attorney Docket No.: 100084.416USPC :
For: STREPTOCOCCAL ABC TRANSPORTER :
PROTEIN :

This decision is in response to applicant's "Petition to Correct Filing Date of Application" filed 28 February 2002, requesting that the United States Patent and Trademark Office (USPTO) correct the filing receipt for the above captioned application to indicate a filing date of 09 October 2001.

The actual filing date of the present application is considered to be the international filing date, 30 December 1999. The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) A close examination of the declaration filed with the USPTO finds a USPTO date stamp "Rec'd PTO/PCT 09 OCT 2001." Thus it is clear that the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed on 09 October 2001. Applicant's petition is therefore **GRANTED**.

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form DO/EO/903) mailed 01 February 2002 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a corrected filing receipt and "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form DO/EO/903) indicating a 35 U.S.C. 371(c) date of 09 October 2001.

Boris Milef
Legal Examiner
PCT Legal Office

Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459